REMARKS

Amendments

Claim 13 has been rewritten to be in independent form.

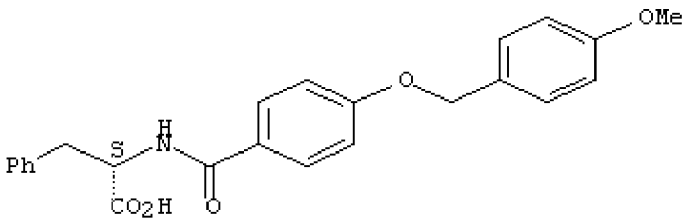
Claim 47 has been added to claim a pharmaceutical composition comprising the compound of claim 13.

Claims 12-14, 46 and 47 read on the elected invention.

Applicants submit that these amendments do not constitute new matter, and their entry is requested.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 12, 14 and 46 under 35 U.S.C. § 103 (a) as being obvious over Kundu et al. (*Combinatorial Chemistry and High Throughput Screening* **5**:545-550, 2002) in view of *In re Hass et al.* (141 F2d 122, 60 USPQ 544 (CCPA 1944)), *In re Hass et al.* (141 F2d 127, 60 USPQ 548 (CCPA 1944)) and *In re Henze et al.* (181 F2d 198, 85 USPQ 261 (CCPA 1950)). The Examiner contends that Kundu et al. discloses the compound



which is a homolog of several of the claimed compounds. Applicants traverse this rejection.

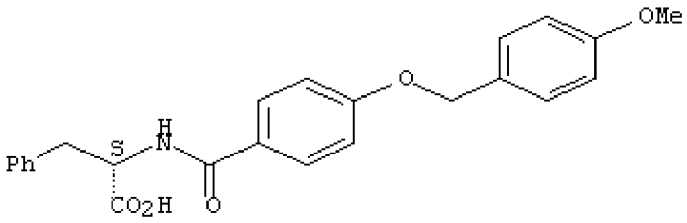
It appears that the Examiner has focused on the I' moiety of the Z group and not on the I moiety of the E radical of the W group of the compound set forth in claim 46. The I moiety of the E radical corresponds to the "Ph" group in the compound cited by the Examiner. The instant claims are restricted to compounds in which the I moiety of the E radical in claim 46 is either a cyclohexane, a substituted cyclohexane or a substituted benzene. Claim 46 does not encompass an unsubstituted benzene for the I moiety of the E radical. There is no suggestion in Kundu et al.

that the phenyl group (i.e., the "Ph" in the compound cited by the Examiner) should be substituted as required by the present claims. Furthermore, Kundu et al. prepared and screened compounds for α-glucosidase inhibitory activity. The claimed compounds have perosixome proliferator-activated receptor gamma (PPARγ) inhibitory activity. There is no teaching or suggestion in Kundu et al. that the compounds disclosed therein have PPARγ inhibitory activity. Applicants submit that the claimed invention is not obvious from Kundu et al. in view of the cases cited by the Examiner because Kundu et al. does not teach or suggest compounds in which the "Ph" group is substituted and which have PPARγ inhibitory activity.

In view of the above remarks, Applicants submit that the claimed subject matter is not rendered obvious by Kundu et al. in view of *In re Hass et al.* and *In re Henze et al.* Withdrawal of this rejection is requested.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 12, 14 and 46 under 35 U.S.C. § 103 (a) as being obvious over Kundu et al. in view of *In re Norris* (179 F2d 970, 84 USPQ 458 (CCPA 1950)). The Examiner contends that Kundu et al. discloses the compound



which is a position isomer of several of the claimed compounds. Applicants traverse this rejection.

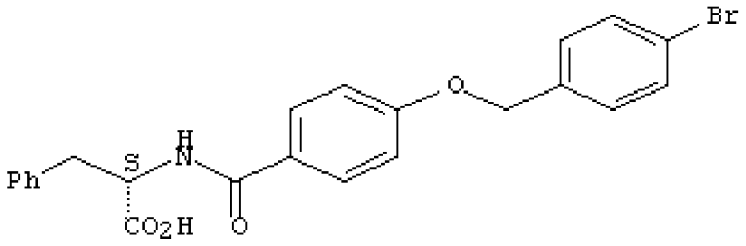
It appears that the Examiner has focused on the I' moiety of the Z group and not on the I moiety of the E radical of the W group of the compound set forth in claim 46. The I moiety of the E radical corresponds to the "Ph" group in the compound cited by the Examiner. The instant claims are restricted to compounds in which the I moiety of the E radical in claim 46 is either a

cyclohexane, a substituted cyclohexane or a substituted benzene. Claim 46 does not encompass an unsubstituted benzene for the I moiety of the E radical. There is no suggestion in Kundu et al. that the phenyl group (i.e., the "Ph" in the compound cited by the Examiner) should be substituted as required by the present claims. Furthermore, Kundu et al. prepared and screened compounds for α-glucosidase inhibitory activity. The claimed compounds have perosixome proliferator-activated receptor gamma (PPARγ) inhibitory activity. There is no teaching or suggestion in Kundu et al. that the compounds disclosed therein have PPARγ inhibitory activity. Applicants submit that the claimed invention is not obvious from Kundu et al. in view of the case cited by the Examiner because Kundu et al. does not teach or suggest compounds in which the "Ph" group is substituted and which have PPARγ inhibitory activity.

In view of the above remarks, Applicants submit that the claimed subject matter is not rendered obvious by Kundu et al. in view of *In re Norris*. Withdrawal of this rejection is requested.

Rejection Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 12, 14 and 46 under 35 U.S.C. § 103 (a) as being obvious over Kundu et al. in view of *Graver Tank & Mfg. Co. v. The Linde Air Products Co.* (339 US 695, 85 USPQ 328 (1950)). The Examiner contends that Kundu et al. discloses the compound



which is a homolog of several of the claimed compounds. Applicants traverse this rejection.

It appears that the Examiner has focused on the I' moiety of the Z group and not on the I moiety of the E radical of the W group of the compound set forth in claim 46. The I moiety of

the E radical corresponds to the "Ph" group in the compound cited by the Examiner. The instant claims are restricted to compounds in which the I moiety of the E radical in claim 46 is either a cyclohexane, a substituted cyclohexane or a substituted benzene. Claim 46 does not encompass an unsubstituted benzene for the I moiety of the E radical. There is no suggestion in Kundu et al. that the phenyl group (i.e., the "Ph" in the compound cited by the Examiner) should be substituted as required by the present claims. Furthermore, Kundu et al. prepared and screened compounds for α-glucosidase inhibitory activity. The claimed compounds have perosixome proliferator-activated receptor gamma (PPARγ) inhibitory activity. There is no teaching or suggestion in Kundu et al. that the compounds disclosed therein have PPARγ inhibitory activity. Applicants submit that the claimed invention is not obvious from Kundu et al. in view of the cases cited by the Examiner because Kundu et al. does not teach or suggest compounds in which the "Ph" group is substituted and which have PPARγ inhibitory activity.

In view of the above remarks, Applicants submit that the claimed subject matter is not rendered obvious by Kundu et al. in view of *Graver Tank*. Withdrawal of this rejection is requested.

Allowable Subject Matter

Applicants appreciate the Examiner's indication that claim 13 is free of the prior art. Claim 13 has been objected to because it depends from a rejected base claim. Claim 13 has been rewritten in independent form. This amendment obviates the objection to claim 13 and places it in condition for allowance. Applicants have added claim 47 as a pharmaceutical composition that depends from claim 13. Applicants submit that claim 47 is also in condition for allowance.

Concluding Remarks

In view of the above amendments and remarks, it is submitted that the claims satisfy the requirements of the patent statutes and are patentable over the prior art of record. Reconsideration of this application and early notice of allowance is requested. The Examiner is

invited to telephone the undersigned if it will assist in expediting the prosecution and allowance of the instant application.

Respectfully submitted,

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